IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.7 OF 2005

Chhatrapati Shivaji Kutir
Mandal & Anr. ...Appellants

Vs.

Kurla Scrap Dealers'
Association & Ors. ...Respondents

DATED: JANUARY 18, 2005.

P.C.:

1. None for the Appellant. The challenge in this Appeal is to the Judgment and Order dated 6th November 2004 passed by the City Civil Court in the Chamber Summons No.1033 of 2004.

2. Perusal of the Chamber Summons shows that the prayer made therein was for impleading the parties. By the impugned order the Applicants who had taken out Chamber Summons have been ordered to be impleaded as party Defendants. The said order is not appelable either under Section 104 or under Order XLIII of Code of Civil Procedure, 1908.

3. Hence Appeal from Order is dismissed as not maintainable. The dismissal of the Appeal will not preclude the Appellant from taking out appropriate proceedings for challenging the impugned order.

Judge.